

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION CONCERNING INFORMAL COMMUNICATIONS WITH THE APPLICANT

(PCT Rule 66.6)

To:

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RECORDS	14 NOV 2005
PARTNER	ACTIONED

Date of mailing
(day/month/year)

10.11.2005

Applicant's or agent's file reference
LODM/P31853PC

REPLY DUE

within 2 month(s)
from the above date of mailing

International application No.
PCT/GB2004/004580

International filing date (day/month/year)
29.10.2004

Applicant
LODERS CROKLAAN BV

An informal communication took place on 03.11.2005, between the International Preliminary Examining Authority and the applicant / the agent.

Invitation pursuant to Rules 66.2 c), 66.3 and 66.4 of the PCT

Further examination of the international application has revealed that the application fails to meet the requirements of the PCT and the Regulations as explained in the attached note (Form PCT/PEA/428).

The Applicant is hereby **invited**, within the time limit indicated above, **to submit a written reply** accompanied by amendments.

If no reply is submitted, the international preliminary examination report will reflect the opinion expressed by this Authority.

Name and mailing address of the international
preliminary examining authority:



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Vertrag über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens
Patent Cooperation Treaty
Traité de coopération en matière de brevets

PCT

Application No.:

PCT/GB2004/004580

Note on an informal communication by telephone with the Applicant

Transmittal of a copy of this note with a time limit of **2 month(s)**

Participants

Representative: Stevens, I

Examiner(s): Rinaldi, F

Summary of the communication

s. annex



03.11.2005

.....
Date

Rinaldi, F

.....
Authorized officer of IPEA

Enclosure(s):
US-A-5,494,667



- 1 The Examiner is of the opinion that the subject-matter presently claimed is obvious in the sense of Art.33(3) PCT.
 - 1.1 Beneficial effects of pine needle extracts such as for instance lowering of blood pressure are known in the art, e.g. from D2 or D4 (for details on relevant passages, please see ISR). Further effects of pine needle extracts are disclosed e.g. in D3, D5, ~~D6 or D7. A variety of substances is known to be present in pine needle extracts, for~~ instance shikimic acid, GABA and quinine acid to name but a few (see col.2 l.37-47 of US-A-5,494,667 which is annexed to the present communication).
 - 1.2 D1 discloses that isocupressic acid is undesirable in as far as it is known in the art to induce early abortion in pregnant beef cattle (col.2 l.40-49). Obviously, a substance with such a bad publicity or reputation is undesirable in a health product.
 - 1.3 The closest prior art are documents D2 or D4 which disclose therapeutic effects of pine needle extracts.
 - 1.4 The technical problem appears to be provision of an pine needle extract having beneficial effect and having a lowered risk on the user.
 - 1.5 D1 also teaches that pine needle extract fractionation will lead to products of pine needle extract that are free from isocupressic acid and yet provide the desired pharmaceutical effect (col.5 l.43-col.10 l.38; col.15 l.55-64). D1 demonstrates that a variety of substances having therapeutic effects can be found in pine needle extract (see e.g. claims 7 and 11).
 - 1.6 In view of what is stated above, it appears to be obvious for the one skilled in the art to provide pine needle extracts having reduced amounts of isocupressic acid. Indeed, the one skilled in the art would do this with a reasonable expectation of success, because he knows that other substances and not isocupressic acid or at least not only isocupressic acid is responsible for the therapeutic effect.
- 2 The subject-matter of present claims 19-21 refers at least implicitly to a method of treatment and is hence considered by this Authority to be covered by the provisions of R.67.1(iv) PCT. Consequently, no opinion with respect to industrial applicability will be formulated of the subject-matter of these claims (Art.34(4)(a)(I) PCT).
- 3 The subject-matter of present claims 3 and 4 appears to be redundant (Art.6 PCT).